

## LEGISLATIVE BILL 933

Approved by the Governor April 12, 2010

Introduced by Utter, 33.

FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-149, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to manufactured homes and mobile homes; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 60-149, Revised Statutes Cumulative Supplement, 2008, is amended to read:

60-149 (1)(a) If a certificate of title has previously been issued for a vehicle in this state, the application for a new certificate of title shall be accompanied by the certificate of title duly assigned except as otherwise provided in the Motor Vehicle Certificate of Title Act.

(b) ~~If~~ Except for manufactured homes or mobile homes as provided in subsection (2) of this section, if a certificate of title has not previously been issued for the vehicle in this state or if a certificate of title is unavailable pursuant to subsection (4) of section 52-1801, the application shall be accompanied by:

- (i) A manufacturer's or importer's certificate;
- (ii) A duly certified copy thereof;
- (iii) An affidavit by the owner affirming ownership in the case of an all-terrain vehicle or a minibike;
- (iv) A certificate of title from another state;
- (v) A court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the law of the state from which the vehicle was brought into this state does not have a certificate of title law; or
- (vi) Documentation prescribed in section 60-142.01, 60-142.02, 60-142.04, or 60-142.05.

(c) If the application for a certificate of title in this state is accompanied by a valid certificate of title issued by another state which meets that state's requirements for transfer of ownership, then the application may be accepted by this state.

(d) If a certificate of title has not previously been issued for the vehicle in this state and the applicant is unable to provide such documentation, the applicant may apply for a bonded certificate of title as prescribed in section 60-167.

(2)(a) If the application for a certificate of title for a manufactured home or a mobile home is being made in accordance with subdivision (4)(b) of section 60-137 or if the certificate of title for a manufactured home or a mobile home is unavailable pursuant to section 52-1801, the application shall be accompanied by proof of ownership in the form of:

- (i) A duly assigned manufacturer's or importer's certificate;
- (ii) A certificate of title from another state;
- (iii) A court order issued by a court of record;
- (iv) Evidence of ownership as provided for in section 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911, or 60-2401 to 60-2411; or
- (v) Assessment records for the manufactured home or mobile home from the county assessor and an affidavit by the owner affirming ownership.

(b) If the applicant cannot produce proof of ownership described in subdivision (a) of this subsection, he or she may submit to the department such evidence as he or she may have, and the department may thereupon, if it finds the evidence sufficient, issue the certificate of title or authorize the county clerk or designated county official to issue a certificate of title, as the case may be.

~~(2)~~ (3) For purposes of this section, certificate of title includes a salvage certificate, a salvage branded certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle. Only a salvage branded certificate of title shall be issued to any vehicle conveyed upon a salvage certificate, a salvage branded certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle.

~~(3)~~ (4) The county clerk or designated county official shall retain the evidence of title presented by the applicant and on which the certificate of title is issued.

Sec. 2. Original section 60-149, Revised Statutes Cumulative

Supplement, 2008, is repealed.